FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE
Cri. WRIT PETITION NO. 2884 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. Court's or Judge's orders

Mr. D.V. Sutar with Mr. M.B. Gawde for Petitioner.
Mr. D.S. Mhaispurker APP for Respondents

CORAM: B.H. MARLAPALLE
&
SMT. R.S. DALVI JJ.

DATE:07/2/2006

P.C.:

Heard the learned counsel for the petitioner and learned APP. Perused the affidavit in reply filed by the Sub Inspector of Police, attached to Crime Branch, Thane unit at Kalyan.

It is an admitted position that subsequent to the complaint filed by some citizens i.e. Cr Nos. 34/2000. 180,2002, 1330 of 2004 and 189 of 2002 investigations were undertaken regarding the theft that had taken place and one Suresh Barku Dalvi was arrested. During the investigations he had confessed having committed the thefts and housebreaking at several places. The said Suresh died while in police custody on 18.12.2004 which gave rise to the inquiry by

CID against the concerned police officers including Shri Satish Digambaar Gaikwad, P.S.I., attached to Crime Branch, Thane and therefore further inquiry into the incidents of theft and house breaking remained suspended. The said affidavit further states that the deceased Suresh had confessed during investigations that his brother Kashinath was also involved in the said offences and therefore further investigations are necessary by an independent agency.

The petitioners claim that the investigation in respect of C.R. No. 130 of 2004 and other connected crimes registered should be handed over to the State CID. The learned APP on instructions states that the State CID would undertake the investigations further and take appropriate steps including the seizure of stolen property and filing of chargesheet etc.

We therefore direct that the further investigations in C.R. No. 130 of 2004 and other connected C.Rs., be transferred from the Crime Branch, Thane to the State CID forthwith and the said agency would complete the investigations as expeditiously as possible, preferably within a period of 6 months.

Petition disposed of in terms of the above directions.

(SMT. R.S. DALVI J.) (B.H. MARLAPALLE J.)